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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,446	09/23/2003	Anthony M. Talarico	13311-5	2340
757 7590 06/22/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER ARAQUE JR, GERARDO	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,446	TALARICO, ANTHONY M.	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002 and 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 – 4, 7 – 17, 19 – 20, and 22 – 26** are rejected under 35 U.S.C. 102(b) as being anticipated by **Shotey (US PGPub 2002/0004740 A1)**.

4. In regards to **claims 1, 7 – 9, 12 – 13, 19, and 20**, **Shotey** discloses an apparatus for diarizing janitorial services during a cleaning patrol comprising:

an outer casing that frames a display (**306**), a plurality of keys (**302**), a docking port (**316**), a barcode reader (**510**), and computing hardware interconnecting said display, said keys, said docking port and said barcode reader (**Fig. 5**);

said barcode reader operable to receive a scan of a barcode representative of at least one cleaning task (**¶ 58**)

said computing hardware operable to record a completion of said at least one cleaning task corresponding to said received barcode (**Fig. 6**).

5. In regards to **claims 2 – 4, and 22**, the Examiner asserts that the applicant is only disclosing non-functional descriptive subject matter for an apparatus claim and contains to structural elements to further limit the apparatus of claim 1.
6. In regards to **claims 10, 17, and 26**, **Shotey** discloses additionally comprising a microphone and said computing hardware is further operable to record a comment associated with said completion of said task (**¶ 121**).
7. In regards to **claim 11, 14, and 23**, **Shotey** discloses wherein said output device is a wireless transmitter operable to transmit completion of said task to a wireless receiver (**Fig. 3 314**).
8. In regards to **claim 15, 23, and 24**, **Shotey** discloses wherein said uploading occurs each time a barcode scan occurs (**¶ 94**).
9. In regards to **claim 16 and 25**, **Shotey** discloses wherein said apparatus additionally functions as a cellular phone (**¶ 74**).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shotey (US PGPub 2002/0004740 A1)** in view of **Scribner et al. (US Patent 4,688,026)**.
12. In regards to **claim 21**, **Shotey** fails to disclose wherein said ID code is an RF tag.

However, **Scribner** discloses that it is old and well known to use RF tags since they have the advantage in that the transmitted signals are not disturbed by most normally found items in a building; and, therefore the transmitted code can be detected by a suitable sensor without requiring a substantially direct “line of sight” between the transmitter and receiving devices as is generally required in optical transmission schemes.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Shotey** in view of the teachings to **Scribner** for the ID code to be an RF tag for the various advantages they have as discussed above.

13. **Claims 5 – 6, 18, and 27 – 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Scribner et al. (US Patent 4,688,026)**.

14. In regards to **claim 5**, **Scribner** discloses a portable computer-based method of diarizing the performance of janitorial services comprising the steps of:

- i. determining a zone of a facility for cleaning (**Col. 3 Lines 18 – 23, 27 – 32**);
- ii. presenting said determined zone to a user (**Col. 3 Lines 12 – 18, 27 – 32; Fig. 1**);
- iii. waiting for a scan of a barcode that matches with a barcode affixed to said determined zone (**Col. 3 23 – 27; Col. 4 Lines 53 – 59; Fig. 1**);
- iv. determining a task to be performed (**Col. 3 Lines 23 – 27**);
- v. presenting said task to said user (**Col. 3 Lines 12 – 18**);

- vi. waiting for a scan of a barcode on a task list that matches with a barcode respective to said task (**Col. 3 Lines 23 – 27**);
- vii. repeating steps iv – vi until all tasks in a zone have been performed (**obviously included; see also Col. 9 Lines 31 – 36**); and,
- viii. repeating steps i – vii until all zones have been cleaned (**obviously included; see also Col. 9 Lines 31 – 36**).

The Examiner would also like to make note that although **Scribner** does not disclose janitorial services **Scribner** does disclose maintenance services. The Examiner asserts that it would have been obvious to one skilled in the art that janitorial services also include maintenance services.

- 15. In regards to **claim 6 and 37**, **Scribner** discloses further comprising the steps of: recording times when said barcode scans occur (**Col. 9 Lines 31 – 36**); and uploading said recorded times to a host computer (**Fig. 4**).
- 16. In regards to **claim 18 and 38**, **Scribner** discloses wherein said uploading step occurs in real-time each time a barcode scan according to step iii) or vi) is performed (**Col. 1 Lines 33 – 36; Col. 3 Lines 18 – 23**).
- 17. In regards to **claims 27 and 31 – 32**, **Scribner** discloses a portable device-based method of diarizing performance of services, comprising the steps of:
 - i. assigning an ID code to each zone if a facility where a service is to be performed (**Fig. 1 10, 12, 14**);
 - ii. determining which of said each zones is to be serviced (**Col. 3 Lines 18 – 23, 27 – 32**);

- iii. waiting for a scan of an ID code that matches with said assigned ID code
(Col. 3 Lines 23 – 27; Col. 4 Lines 53 – 59; Fig. 1);
- iv. assigning a task code to each task to be performed in said determined zone (Col. 3 Lines 23 – 27);
- v. determining which of each tasks is to be completed in said determined zone to create a task list (Col. 3 Lines 23 – 27);
- vi. waiting for a scan of a task code on said task list (Col. 3 Lines 23 – 27);
- vii. repeating steps iv – vi until all tasks on said task list for said determined zone have been performed (obviously included; see also Col. 9 Lines 31 – 36); and,
- viii. repeating steps i – vii until all zones have been serviced (obviously included; see also Col. 9 Lines 31 – 36).

The Examiner would also like to make note that although **Scribner** does not disclose janitorial services **Scribner** does disclose maintenance services. The Examiner asserts that it would have been obvious to one skilled in the art that janitorial services also include maintenance services.

- 18. In regards to **claims 28 – 30**, **Scribner** discloses wherein said ID codes are barcodes (Col. 1 Lines 33 – 36).
- 19. In regards to **claim 33**, **Scribner** discloses wherein said step ii) is performed by a person responsible for completing said tasks (obviously included).
- 20. In regards to **claim 34**, **Scribner** discloses wherein said step ii) is performed at a central control location (Col. 2 Lines 25 – 33).

21. In regards to **claim 35, Scribner** discloses wherein said step v) is performed by a person responsible for completing said tasks (**obviously included**).

22. In regards to **claim 36, Scribner** discloses wherein said step v) is performed at a central control location (**Col. 2 Lines 25 – 33**).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

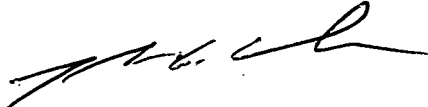
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA
6/5/07



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